

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

FIRSTFACE CO., LTD.,
Patent Owner.

Case IPR2019-00613 (Patent 9,633,373 B2)
Case IPR2019-00614 (Patent 9,779,419 B2)
2019-01011 and 2019-01012

Record of Oral Hearing
Held: May 5, 2020

Before JUSTIN T. ARBES, MELISSA A. HAAPALA, and
RUSSELL E. CASS, *Administrative Patent Judges*.

Case IPR2019-00613 (Patent 9,633,373 B2)
Case IPR2019-00614 (Patent 9,779,419 B2)
2019-01011 and 2019-01012

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing on Tuesday, May 5, 2020, commencing at 1:00 p.m. EDT, by video/by telephone.

1 your microphones muted when not speaking. I will keep time and can give
2 you warning when you have gone into your rebuttal time, if you'd like. And
3 please refer to your demonstratives by slide number to make it easier for the
4 court reporter.

5 Any questions from the parties?

6 MS. HIGGINS: No, Your Honor.

7 JUDGE CASS: Counsel for Petitioner?

8 MR. CECIL: No, Your Honor.

9 JUDGE CASS: Would you like to reserve any time for rebuttal?

10 MS. HIGGINS: May it please the Board, at the outset we'd like to
11 reserve 20 minutes of our time for rebuttal.

12 JUDGE CASS: Thank you. Counsel for Petitioner, you may proceed.

13 MS. HIGGINS: Thank you, Your Honor. May it please the Board,
14 please turn to slide 4 of Petitioner's demonstratives. That's Exhibit 1040 in
15 both of the proceedings.

16 Petitioner has provided our petitions and our evidence in our briefing,
17 but to assist the Board in considering the record we plan to address today in
18 our opening discussion the six topics shown here on slide 4 along with any
19 questions, of course, the Board may have. I will address for both grounds 1
20 and 2, the first issue, whether the combinations disclose "turning on the
21 display and performing a fingerprint authentication function in response to a
22 one-time pressing of the activation button." Then my colleague Mr. Bonny
23 will address for both grounds 1 and 2 whether the combinations disclose "an
24 activation button separate from a power button and configured to turn on the
25 display," as well as motivations to combine for both grounds.

1 Now, before we jump in, I'd like to make two brief observations about
2 the kinds of arguments and evidence that Patent Owner has put before this
3 Board. First, Patent Owner merely rehashes several arguments already
4 rejected by the Board at institution; and second, Patent Owner repeatedly
5 applies a claim interpretation that improperly requires a single user action
6 and excludes from the claims another user input to complete the
7 authentication function. And even under this incorrect interpretation, the
8 claims are still met by the combination of references. We ask that the Board
9 bear these issues in mind, as well as the principle that any argument not
10 raised in Patent Owner's response has been waived.

11 Turning to slide 5, first I will address the claim limitations shown here
12 in view of this dispute over whether the combination of references in
13 grounds 1 and 2 disclose that "in response to the one-time pressing of the
14 activation button, the first function is performed."

15 Turning to slide 6, independent claim 1 of the 373 patent recites that
16 "in response to the one-time pressing of the activation button, the first
17 function is performed." The 373 claim 11 and 419 claims 1 and 10, the
18 other independent claims at issue in these proceedings, include similar
19 limitations. Petitioner --

20 JUDGE HAAPALA: Let me stop you right there because I think
21 there is a limitation in claim 11 of the 373 patent that's not in claim 1. And
22 in particular, I'm referring to the limitation, "in addition to changing to the
23 active state, further performing at least one of the first and second functions
24 without additional user input other than the one-time pressing."

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